

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2016020421

v.

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT AND KERN
COUNTY OFFICE OF EDUCATION.

PANAMA-BUENA VISTA UNION
SCHOOL DISTRICT,

OAH Case No. 2016020657

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

On February 9, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016020421 (Student's Case), naming Panama-Buena Vista Union School District (District) and Kern County Office of Education.

On February 16, 2016, District filed a Request for Due Process Hearing in OAH case number 2016020657 (District's Case), naming Student.

On February 23, 2016, District filed a Motion to Consolidate Student's Case with District's Case. Neither Student nor Kern County Office of Education filed a response to District's Motion to Consolidate.

Consolidation

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Student's Case and District's Case involve common parties and a common question of law or fact. Specifically, Student contends that District failed to appropriately assess Student in all areas of suspected disability, and seeks independent educational evaluations at public expense in the areas of autism spectrum, social behavioral, communication, auditory processing, and neuropsychological. District contends that it conducted appropriate functional behavior, psychoeducational, and health evaluations of Student, and seeks a determination that Student is not entitled to independent educational evaluations at public expense in those, or any other, areas of suspected disability.

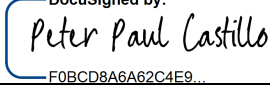
The above issues will involve the same facts, witnesses and documents, and consolidation furthers the interests of judicial economy by avoiding two hearings between the parties in which they would present the same evidence. Accordingly, consolidation is granted.

ORDER

1. District's Motion to Consolidate is granted.
2. Student's Case number 2016020421 is designated as the primary case in the consolidated matters, and all future pleadings and other documents in the consolidated matters are to be maintained in that case file.
3. All dates previously set in District's Case, OAH Case Number 2016020657 are vacated.
4. The consolidated matters will proceed on the existing dates in Student's Case, which are:

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| Mediation: | March 16, 2016 at 9:30 a.m. |
| Prehearing Conference: | March 25, 2016 at 1:00 p.m. |
| Due Process Hearing: | April 5, 2016. The hearing will begin at 9:30 a.m. on April 5, 2016 and at 9:00 a.m. on all subsequent days. |
5. The 45-day timeline for issuance of the decision in the consolidated matters shall be based on the February 9, 2016 filing date for Student's complaint in Student's Case number 2016020421.

DATE: March 4, 2016

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ROBERT MARTIN
Administrative Law Judge
Office of Administrative Hearings